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COMMITTEE ON THE PEACEFUL
USES OF OUTER SPACE
Legal Sub-Committee
Thirtieth session

THE ELABORATION OF DRAFT PRINCIPLES RELEVANT TO THE USE OF NUCLEAR POWER SOURCES IN OUTER SPACE

Working paper submitted by Canada and the Federal Republic of Germany

The following is the seventh revision of the draft principles contained in working paper A/AC.105/C.2/L.154 of 25 March 1986 and reflects discussions held at the thirty-third session of the Committee on the Peaceful Uses of Outer Space.

Principles 1, 3, 5, 6, 7 and 10 have been agreed to by the Sub-Committee. It was noted by the Committee at its thirty-third session that a basis for consensus in the near future had been provided on a text for draft principle 8 and on the deletion of draft principle 11.

NEW PRINCIPLE 1A: Definition of launching State

For the purposes of these principles the terms "launching State" or "State launching" are defined as the State on whose registry a space object is carried in accordance with the Convention on Registration of Objects Launched into Outer Space or, if the object is not registered in accordance with that Convention, the State which exercises or plans to exercise jurisdiction and control over such space objects as envisaged in article VIII of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies.

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PRINCIPLE 2: Notification of the presence on board a space object of a nuclear power source*

Each State of registry of a space object with a nuclear power source on board shall furnish to the Secretary-General of the United Nations, to the greatest extent feasible and as soon as practicable, specific information as to the presence on board that space object of a nuclear power source and its generic classification.

PRINCIPLE 4: Safety assessment*

1. A State having jurisdiction and control over nuclear power sources on board space objects shall conclude a thorough safety assessment prior to each launch. Such assessment shall cover all relevant phases of the mission, including all systems involved, and shall respect the guidelines and criteria for safe use contained in principle 3.

2. In order to contribute to public understanding and confidence concerning the use of nuclear power sources in outer space, each State shall make the assessment publicly available prior to each launch.

3. In addition, each such State should provide to the Secretary-General of the United Nations information on how other States may obtain such publicly available assessment.

PRINCIPLE 8: Responsibility

1. In accordance with article VI of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, States shall bear international responsibility for national activities in outer space involving the use of nuclear power sources, whether such activities are carried on by governmental agencies or by non-governmental entities, and for assuring that such national activities are carried out in conformity with that Treaty and the recommendations contained in these principles.

2. When activities in outer space involving the use of nuclear power sources are carried on by an international organization, responsibility for compliance with the aforesaid Treaty and the recommendations contained in these principles shall be borne both by the international organization and by the States participating in it.

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* Principles 2 and 4 should be considered together with a view to their possible amalgamation.

PRINCIPLE 9: Compensation

1. In accordance with article VII of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, and the provisions of the Convention on International Liability for Damage Caused by Space Objects, each State launching a space object with nuclear power sources on board shall be internationally liable to another State party to the Treaty for damage caused by such space objects or their component parts.

2. The compensation that such States shall be liable to pay under the aforesaid Convention for damage shall be determined in accordance with international law and the principles of justice and equity in order to provide such reparation in respect of the damages as will restore the person, natural or juridical, State or international organization on whose behalf a claim is presented to the condition which would have existed if the damage had not occurred.

3. Compensation under the provisions of this Convention shall also include reimbursement of the duly substantiated expenses for search, recover and clean-up operations, including expenses for assistance received from third parties, bearing in mind the provisions of article XXIII of that Convention regarding other international agreements.

PRINCIPLE 12: Revision

These principles shall be reviewed by the Committee on the Peaceful Uses of Outer Space no later than 10 years after their adoption.